

FINAL BILL REPORT

SHB 2849

C 38 L 04

Synopsis as Enacted

Brief Description: Eliminating credentialing barriers for sex offender treatment providers.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, Cody, Campbell, Bush and Schual-Berke; by request of Department of Health).

House Committee on Criminal Justice & Corrections
Senate Committee on Children & Family Services & Corrections

Background:

Sex offender treatment providers are certified by the Department of Health (DOH) after completing the necessary education, experience, and examination requirements. Only certified sex offender treatment providers may provide:

- evaluations for offenders eligible for the Special Sex Offender Sentencing Alternative (SSOSA) and the Special Sex Offender Disposition Alternative (SSODA);
- treatment to convicted or adjudicated sex offenders who are sentenced and ordered into treatment as part of a court order; and
- treatment to sexually violent predators released to a less restricted alternative (LRA) unless specified exceptions apply. A certified sex offender treatment provider may not provide treatment to sexually violent predators if the provider has been convicted of a sex offense or restricted from practicing any health care profession.

A certified sex offender treatment provider is not liable in a civil action for damages for the injuries or death of another caused by a sexually violent predator or level III sex offender receiving treatment from the provider if the provider is acting within the course of his or her duties and the provider's act or omission did not constitute gross negligence or willful or wanton misconduct. This limited liability does not affect the provider's civil liability for damages caused by the provider's breach of any duty to warn or protect imposed by law. The limited liability does not affect the state's civil liability for damages for injuries or death of another. The certified sex offender treatment provider must report any expressions of intent to harm or other predatory behavior, whether or not there is an ascertainable victim, in progress reports. A certified sex offender treatment provider acts within the scope of his or her profession when he or she provides services to the Department of Corrections (DOC) by identifying and notifying the DOC of risk factors of sex offenders who are not amenable to treatment but who are required under court order to receive treatment.

In 1991 the DOH adopted rules that allowed affiliated sex offender treatment providers (sex offender treatment providers who are "in-training") to become certified. Certified affiliates meet all the requirements that full certified providers meet, except for the clinical experience.

Summary:

The DOH is authorized to issue affiliate sex offender treatment provider certifications, determine minimum education, experience, and training requirements, and deny certification in accordance with the Uniform Disciplinary Act.

A certified affiliate sex offender treatment provider is a licensed, certified, or registered health professional who is certified as an affiliate to examine and treat sex offenders and sexually violent predators under the supervision of a certified sex offender treatment provider.

The DOH has the authority to issue an affiliate certificate to any person who:

- successfully completes the education requirements or other alternative training that meets the criteria and approval of the DOH;
- successfully completes the examination administered by the DOH;
- shows proof that he or she is being supervised by a certified sex offender treatment provider;
- has not engaged in unprofessional conduct or has not been unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and
- has met any other requirements as established by the DOH that impact the competence of the sex offender treatment provider.

Similar to certified sex offender treatment providers, affiliate sex offender treatment providers may provide treatment to sex offenders. However, only certified affiliate sex offender treatment providers that have completed at least 50 percent of the required hours under the supervision of a certified provider may perform evaluations for offenders eligible for the SSOSA and the SSODA programs as well as provide treatment to convicted level III sex offenders and sexually violent predators. All other affiliate treatment providers are prohibited from providing evaluations and treatment to such sex offenders.

The same liability standards that relate to certified sex offender treatment providers also pertain to affiliate sex offender treatment providers.

Technical changes are made to statutes referencing certified sex offender treatment providers to include certified affiliate sex offender treatment providers.

Votes on Final Passage:

House	95	0
Senate	44	0

Effective: July 1, 2004